

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

FEIT ELECTRIC COMPANY, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 13 C 9339-SJS-SIS
	)	
BEACON POINT CAPITAL, LLC,	)	Judge Sharon Johnson Coleman
	)	
Defendant.	)	

**DECLARATION OF FREDERICK E. ROTH IN SUPPORT  
OF BEACON POINT'S SUPPLEMENTAL MEMORANDUM IN  
OPPOSITION TO FEIT'S MOTION FOR SUMMARY JUDGMENT**

I, Frederick Roth, an attorney duly admitted to practice law in the State of Illinois, hereby affirm under penalty of perjury as follows:

1. I serve as counsel for Beacon Point Capital, LLC ("Beacon") in this matter. I submit this declaration in support of Beacon's Supplement Opposition to Feit's Motion for Summary Judgment. I have knowledge of the following, and it called as a witness, could testify competently thereto.

2. Attached hereto as Exhibit 27 is a true and accurate copy of the Declaration of Clifford H. Kraft.

3. Attached hereto as Exhibit 28 is a true and accurate copy of Chapter 200 of the Manual of Patent Examining Procedure (5th Ed., Rev. 13, Nov. 1989).

4. Attached hereto as Exhibit 29 is a true and accurate copy of the prosecution history of Nilssen application serial no. 07/678,105 (with page numbers added for reference)

5. Attached hereto as Exhibit 30 is a true and accurate copy of Chapter 200 of the Manual of Patent Examining Procedure (5th Ed., Aug. 1983).

6. Attached hereto as Exhibit 31 is a true and accurate copy of the prosecution history of Nilssen application serial no. 06/330,159 (issued as U.S. Patent No. 4,430,628, with page numbers added for reference).

7. Attached hereto as Exhibit 32 is a true and accurate copy of Chapter 200 of the Manual of Patent Examining Procedure (4th Ed., Rev. 8, Oct. 1981).

8. Attached hereto as Exhibit 33 is a true and accurate copy of Chapter 200 of the Manual of Patent Examining Procedure (3d Ed., Rev. 56, Apr. 1978).

9. Attached hereto as Exhibit 34 is a true and accurate copy of Chapter 200 of the Manual of Patent Examining Procedure (4th Ed., Rev. 3, July 1980).

10. Attached hereto as Exhibit 35 is a true and accurate copy of the prosecution history of Nilssen application serial no. 07/993,628 (issued as U.S. Patent No. 5,510,680).

11. Attached hereto as Exhibit 36 is a true and accurate copy of the prosecution history of Nilssen application serial no. 08/063,075 (issued as U.S. Patent No. 5,416,389).

12. Attached hereto as Exhibit 37 is a true and accurate copy of U.S. Patent No. 5,144,195 issued to Konopka *et al.*

13. Attached hereto as Exhibit 38 is a true and accurate copy of U.S. Patent No. 5,191,263 issued to Konopka.

14. Attached hereto as Exhibit 39 is a true and accurate copy of U.S. Patent No. 5,192,896 issued to Qin.

15. Attached hereto as Exhibit 40 is a true and accurate copy of the prosecution history of Nilssen application serial no. 08/304,690 (issued as U.S. Patent No. 5,471,118).

16. Attached hereto as Exhibit 41 is a true and accurate copy of the prosecution history of Nilssen application serial no. 08/227,999 (issued as U.S. Patent No. 5,510,681).

17. Attached hereto as Exhibit 42 is a true and accurate copy of Section 2004 of the Manual of Patent Examining Procedure (5th Ed., Rev. 13, Nov. 1989).

18. Attached hereto as Exhibit 43 is a true and accurate copy of U.S. Patent No. 5,071,878 to Herschler.

19. Attached hereto as Exhibit 44 is a true and accurate copy of a September 10, 2015 decision in the matter of *Hagenbuch v. Sonrai Systems* (N.D.Ill. case no. 13 C 7042, Durkin, J.) reported at 2015 WL 5307510.

20. Attached hereto as Exhibit 45 is a true and accurate copy of the transcript of the deposition of Ole K. Nilssen taken on November 10, 2005 in the matter of *Nilssen v. Osram Sylvania, Inc.* (N.D. Ill. case no. 01 C 3585).

21. Attached hereto as Exhibit 46 is a true and accurate copy of the transcript of the deposition of Ole K. Nilssen taken on November 11, 2005 in the matter of *Nilssen v. Osram Sylvania, Inc.* (N.D. Ill. case no. 01 C 3585).

22. Attached hereto as Exhibit 47 is a true and accurate copy of Section 211 of the Manual of Patent Examining Procedure (9th Ed., Oct. 2015).

23. Attached hereto as Exhibit 48 is a true and accurate copy of a June 15, 1993 letter from Ole K. Nilssen to Robert W. Wisbey.

24. Attached hereto as Exhibit 49 is a true and accurate copy of a License Agreement between Ole K. Nilssen and Advance Transformer Co., dated July 18, 1990.

25. Attached hereto as Exhibit 50 is a true and accurate copy of a February 17, 1992 letter from Ole K. Nilssen to Theodore A. Filson and Robert W. Wisbey.

26. Attached hereto as Exhibit 51 is a true and accurate copy of a March 10, 1992 letter from Ole K. Nilssen to Barry Singer and Ron Peterson.

27. Attached hereto as Exhibit 52 is a true and accurate copy of Section 201.11 of the Manual of Patent Examining Procedure (8th Ed., Aug. 2001).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that this declaration was executed on April 6, 2016 in Chicago, Illinois.

/s/ Frederick E. Roth

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